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Letter dated 28 January 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 6 August 2002 (S/2002/909).

The Counter-Terrorism Committee has received the attached supplementary report from the Socialist Republic of Viet Nam, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale dated 14 January 2003 from the Permanent Mission of Viet Nam to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of the Socialist Republic of Viet Nam to the United Nations presents its compliments to the Chairman of the Counter-Terrorism Committee and, with reference to his letter of 15 July 2002 containing the preliminary comments of the Counter-Terrorism Committee on the report submitted by Viet Nam pursuant to paragraph 6 of Security Council resolution 1373 (2001), has the honour to provide the additional information requested (see enclosure).

Enclosure

Socialist Republic of Viet Nam

Supplementary Report to the Counter-Terrorism Committee of the Security Council pursuant to paragraph 6 of resolution 1373 (2001)

A. INTRODUCTION

International terrorism is causing severe loss in persons and properties. It is Viet Nam's consistent position to condemn any acts of terrorism, in any form and by any motive, and to hold that any measures against international terrorism must be based on the principle of respect for state sovereignty, territorial integrity and the Charter of the United Nations.

Viet Nam is strongly opposed any attempt or act aimed at interfering into the internal affairs of sovereign states and causing sufferings to innocent people, under the pretext of combating terrorism.

Viet Nam is of the view that terrorism can only be eliminated by thoroughly dealing with its root causes, among which are poverty and development gaps. A solid ground for national, regional and global development can only be built through cooperation in poverty elimination and narrowing the development gaps.

In this spirit, Viet Nam has seriously implemented Resolution 1373 (2001), adopted by the United Nations Security Council on 28 September 2001. On 5 February 2002, pursuant to the Resolution's paragraph 6, Viet Nam submitted the Initial Report on its implementation of the Resolution. In response to the request of the Counter Terrorism Committee of the United Nations Security Council, as contained in Note No. S/AC.40/2002/MS/OC.127 dated 15 July 2002 and following the Initial Report dated 6 February 2002, this Supplementary Report has been compiled with the participation of Viet Nam's Ministry of Defense, Ministry of Public Security, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Finance, the State Bank, the People's Supreme Court and the People's Supreme Procurator.

B. ANSWERS TO QUESTIONS OF THE COUNTER-TERRORISM COMMITTEE

I. Sub-paragraphs 1 (a) and (b) of Resolution 1373 (2001)

1. (a) With regard to legal provisions relating to the suppression of terrorism, Article 84 of the 1999 Penal Code of the Socialist Republic of Vietnam provides as follows:

"Article 84. Terrorism

1. Those who intend to oppose the people's administration and infringe upon the life of officials, public employees or citizens shall be sentenced to between 12 and 20 years of imprisonment, life-imprisonment or capital punishment.

2. In the case of committing offences by infringing upon physical freedom and/or health, the offenders shall be sentenced to between 5 and 15 years of imprisonment.

3. In the case of committing offences by threatening to infringe upon the life or committing other acts of mental intimidation, the offenders shall be sentenced to between 2 and 7 years of imprisonment.

4. Those who terrorize foreigners in order to cause difficulties to the Socialist Republic of Viet Nam in its international relations shall be punished in accordance with the provisions of this Article."

Other offences with connection to the offence of terrorism are also dealt with by the 1999 Penal Code in the following articles:

- Article 82: Violent Rebellion;
- Article 83: Banditry;
- Article 85: Sabotaging the material-technical foundations of the Socialist Republic of Viet Nam;
- Article 134: Kidnapping for Appropriation of Properties;
- Article 221: Hijacking Aircrafts or Ships.

(b) Regarding the provisions of the Anti-Drug Law and other laws relating to the disposal of funds and assets generated by illegal acts:

Paragraph 1 (d) of Article 13 of the 2000 Anti-Drug Law of the Socialist Republic of Vietnam provides that the specialized agencies for fighting drug-related crimes of the Ministry of Public Security are entitled to request concerned individuals, households, offices and organizations to provide information, documents, financial data and bank accounts when there is evidence to conclude that funds or assets generated from drug-related criminal activities are laundered. This provision is aimed at facilitating the investigation and discovery of crimes.

2. According to its Article 5, the 1999 Penal Code applies to all criminal acts committed in the territory of Viet Nam. Therefore, activities undertaken in Viet Nam which are not crime of terrorism, but are connected with terrorist acts committed in other countries and constitute an offence under the Code may be case by case prosecuted under Viet Nam's Penal Code (in accordance with the principle contained in Article 2 of the Code that only those persons who have committed an offence defined by the Penal Code shall bear penal liabilities). Activities in preparation for the commission of the above-mentioned criminal acts may also be prosecuted under article 17 of the 1999 Penal Code.

3. With regard to provisions of banking laws, which deal particularly with ensuring the legality of financial transactions:

a. The 1997 Law on the State Bank, the 1997 Law on Credit Organizations of the Socialist Republic of Vietnam and related instructing instruments, such as Governmental Decree No. 63/1998/ND-CP dated August 17, 1998 on Foreign Exchange Management, Governmental Decree No. 20/2000/ND-CP dated 15 June 2000 on Fine Applied to Administrative Violations in the Monetary and Banking Operations, Governmental Decree No. 64/2001/ND-CP dated 20 September 2001 on Payments through Payment Service Organizations, specifically define all transactions relating to foreign exchange, such as:

- Opening and using a foreign currency account in Viet Nam and in a foreign country, consuming foreign currencies in the territory of Viet Nam (such as buying and selling through foreign currency accounts, transactions entitled to be paid for in foreign currencies, transactions entitled to accept payments in foreign cash, the use of foreign cash...).

- Transactions of transferring foreign currencies into Viet Nam (including provisions on frequent transactions such as goods export and services payments, money transferring by the overseas Vietnamese, tourism, investment profit repatriation, one-way money transferring..., and capital transactions such as withdrawal of borrowing funds, implementation of foreign direct investment and stock investment transferring...).

- Transactions of transferring foreign currencies out of Viet Nam (including provisions on frequent transactions such as goods import and services payments, investment profit payments, borrowing profit payments, transferring foreign currencies out of Viet Nam for the purposes of official duties, studies, visits, medical treatments, fee payments, subsidies, and capital transactions such as payments for foreign debts, investment abroad, transferring of inheritance money, settling down abroad...).

All the above-mentioned provisions set out the detailed conditions, procedures, and required documents to be submitted to the banks for the convenience of monitoring and controlling in order to ensure the legality of financial transactions and the legitimate purposes of the foreign currency flows into and out of Viet Nam.

b. In addition, the 1997 Law on the State Bank and the 1997 Law on Credit Organizations include provisions on the banks' internal monitoring and inspections and on general inspections of the compliance of banking laws and regulations. Article 126 of the 1997 Law on Credit Organizations and Article 59 of the Law on the State Bank provide that organizations or individuals, who commit illegal acts in financial and banking transactions, will be dealt with accordingly to the degrees of their violations; if their violations cause damage, they must compensate as provided by the law.

c. Article 26 of the Rules for Payments through Payment Service Organizations, enacted together with the Vietnamese State Bank's Decision No. 266/2002/QD-NHNN dated March 26, 2002, provides that the payment service organizations are of the duty *"to refuse servicing transactions proved to come from illegal origins"* and *"are not allowed to hide from the competent state authorities information about the users of payment services, the amount of payments and other related information in case of transactions from illegal origins."*

4. Regarding the law provisions and existing procedures for monitoring suspicious financial transactions:

a. Article 19 of the 1997 Law on Credit Organizations provides as follows:

"Article 19. Liabilities for funds from illegal origins

1. The credit and other organizations involved in banking activities are not allowed to cover, or to provide any service, in cases relating to funds proved to come from illegal origins.

2. In case a suspicious fund is discovered, the credit and other organizations involved in banking activities must inform the competent state authorities immediately."

b. Article 36 of the Governmental Decree No. 63/1998/ND-CP dated 17 August 1998 on Foreign Exchange Management provides that:

"Article 36. Supply of information by organizations and individuals

Residents in Viet Nam or abroad and non-residents in Viet Nam, who are engaged in foreign exchange transactions, shall have to supply information and/or data upon the request of the State Bank in accordance with the provisions of law."

c. Paragraph 2 of article 3 of the Governmental Decree No. 70/2000/ND-CP dated November 21, 2000 on Non-Disclosure of Clients' Accounts provides that the deposit agencies are of the duty to report immediately to the Vietnamese State Bank if it is found that the deposited funds or assets are generated from illegal sources.

d. In order to effectively monitor the suspicious financial transactions, according to Article 5 of the above-mentioned Decree, the deposit agencies shall provide information, upon written requests by the state authorities in the process of inspection, investigation, prosecution, trial, enforcement of courts' decisions and following the provisions of law. The written requests for information relating to deposited funds and assets shall be signed by the following authorities:

- Director, Deputy Directors of the People's Supreme Procurator; Chairperson, Vice-Chairpersons of the People's Supreme Court; Judges of the People's Courts under legal documents adopted by the National Assembly and its Standing Committee;

- Director, Deputy Directors of the Military Procurator, Chairperson, Vice-Chairpersons of the Military Courts, Judges of the Military Courts from the military zone level upward;

- Director, Deputy Directors of the professional departments of the Ministry of Public Security; Director, Deputy Directors of Public Security agencies in the provinces and cities directly subordinate to the central government; Head and Deputy Heads of the investigation agencies at the ministerial, provincial and city levels; Head and Deputy Heads of the military investigation agencies from the military- zone level upward;

- Law enforcement officers or head of law enforcement agencies in charge of executing the courts' decisions;

- Chief State Inspector, Deputy Chief State Inspectors, Head and Deputy Heads of state inspecting organizations and specialized inspecting agencies, head of an inspecting team established in pursuance to provisions of inspection laws in order to address petitions and corruption cases of provincial level upward.

e. Regarding sanction against evasion of the reporting duty, article 34 of Governmental Decree No. 20/2002/ND-CP dated 15 June 2002 on Sanctioning Administrative Violations in the Monetary Field and Banking Operations provides as follows:

"Article 34. Violations of regulations on management of banking operation information and reports

1. Warning for acts of submitting reports not according to the time schedules set by the competent authorities.

2. A fine of between over VND 200,000.00 and VND 2,000,000.00 for failing to submit reports or submitting reports not according to forms prescribed by the competent authorities.

3. A fine of between over VND 2,000,000.00 and VND 5,000,000.00 for one of the following acts:

a) Untruly reporting on the activities of credit organization;

b) Providing individuals and/or entities with information relating to the activities of the State Bank and/or credit organizations without permission of the competent authorities as prescribed by law, or without the consent of the customers, except for cases mentioned in articles 102, 103 and Clause 2 of article 104 of the Law on Credit Organizations".

II. Sub-paragraphs 1 (c) and (d) of Resolution 1373 (2001)

1. Legal measures to prohibit nationals of Viet Nam or any person or entity in Viet Nam from making funds and other resources available to persons or entities linked to terrorist acts:

a. Article 7 of Governmental Decree No. 87/CP dated 19 December 1996 specifically stipulates that the management levels, establishment, realization and clearance of State budget as follows:

"Article 7

1. All revenues and expenditures of the state budget must be fully accounted for in the state budget. Every organization and/or individual, who has the duty to collect, turn in and employ the state budget, must undertake accounting, reporting and clearing activities in strict compliance with the state accounting regime; make correct and complete balances of revenues and expenditures; use receipts and bills of collecting or spending issued by the Ministry of Finance.

2. Strictly forbid the administrations, entities and individuals to withhold parts of the state budget's revenues or use resources from the state budget, to set up funds outside state budget, in opposition with the Government's regulations".

b. Concerning credit organizations, Article 27 of Governmental Decree No. 20/2002/ND-CP dated 15 June 2000 on Sanctioning Administrative Violations in the Monetary Field and Banking Operations provides that:

"Article 27. Violations regarding treasury

A fine of between VND 5,000,000.00 and VND 15,000,000.00 for one of the following acts:

1. Making deductions for setting up funds in contravention of the law;

...

3. Transferring the charter capital-supplementing reserve funds and other funds abroad in contravention of the law."

2. Measures to ensure that funds and other economic resources collected for religious, charity or cultural purposes are not used for other purposes, particularly for financing of terrorism:

a. Governmental Decree No. 177/1999/ND-CP dated 22 December 1999 on the Rules of the Organization and Operation of Social and Charity Funds prohibits individuals and/or entities to use these funds in illegal activities to generate illegal profits (Article 4).

b. The above-mentioned Decree also provides clearly that social and charity funds are only established for humanitarian and charity purposes and aimed at promoting cultural, sport, scientific and social developments (Article 2). Such funds must observe transparency in their collection and usage of contributions, provide necessary information to the competent state authorities as requested, and subject themselves to inspection and control by the state authorities as provided by the law (Article 8). These organizations also have to submit timely and completely periodical financial reports and annual clearance reports to the competent financial authorities (Article 15).

3. Regarding existing laws and procedures available to regulate alternative remittance systems, article 4 of the Prime Minister's Decision No. 170/1999/QD-TTg dated 19 August 1999 on Encouraging Overseas Vietnamese to Remit Money to Viet Nam provides that:

> "*Article 4. Forms of foreign currency transfers from other countries to Viet Nam*
>
> *Vietnamese overseas and foreigners are allowed to transfer foreign currencies into Viet Nam in the following forms:*
>
> *1. Through registered credit organizations;*

2. Through enterprises providing international post financial services;

3. Accompanying individuals going to Viet Nam. Individuals, who enter Viet Nam and carry foreign currencies for Vietnamese overseas, must declare to the Customs Office at the entry port about the amount of foreign currencies brought to Viet Nam for a beneficiary in Viet Nam."

III. Sub-paragraph 2 (a) of Resolution 1373 (2001)

1. Activities occurring in Viet Nam that are not specifically of a terrorist nature but are linked to actual or potential acts of terrorism in another country may be prosecuted under penal law if they constitute an independent offence stipulated in the Penal Code in accordance with its Articles 2, Article 5 and Article 84.

2. Measures to prevent individuals and entities from recruiting personnel, collecting funds or soliciting other forms of support for terrorist activities to be carried out inside or outside Viet Nam:

Although the Penal Code does not have a specific provision on financing of terrorism, an act of providing funds and facilities for the commission of the crime of terrorism may be prosecuted under Article 84 (terrorism). Under Article 17 (preparation for committing offences), acts of "seeking to acquire, or preparing tools, means or other conditions" for the commission of an offence of terrorism may be prosecuted. In addition, pending the preparation for the commission of an act of terrorism, if the offender commits other independent offences, he may be prosecuted for such offences.

3. Vietnamese legislation that deals with the control of the possession, transfers or export of weapons and explosives:

Besides the specific provisions of the 1999 Penal Code on offences relating to the management and control of weapons, explosives, toxic, radiation (as mentioned in the 5 February 2002 Report), Viet Nam has also enacted other legal instruments regulating the distribution, registration, maintenance, repair, transport, employment, examination, revocation and destruction of weapons, explosives, toxins and radiation in order to closely monitor their stocks and usage, such as:

- Governmental Decree No. 47/CP dated 12 August 1996 on the management of weapons, explosives and supportive tools;

- Circular No. 05/TT-BNV(C13) dated 28 September 1996 of the Ministry of Internal Affairs (presently Ministry of Public Security) instructing on the implementation of Governmental Decree No. 47/CP;

- Circular No. 1691/TT-QP dated 8 July 1997 of the Ministry of Defense instructing the implementation of Governmental Decree No. 47/CP;

- Decision No. 404/QD-BNV(C13) dated 15 July 1995 of the Minister of Internal Affairs (presently Minister of Public Security) on the subjects and criteria for the provision of regular weapons and supportive tools;

- Decision No. 82/HDBT dated 10 July 1989 of the Chairperson of the Council of Ministers (presently the Prime Minister) on the provision of weapons and military equipment;

- Decision No. 113/TTg dated 25 March 1993 of the Prime Minister on the provision of weapons and military tools for market-control forces;

- Inter-agency Circular No. 09/1998/TTLT-TDTT-BCA of the Physical Training and Sport Committee and the Ministry of Public Security instructing the management, provision, employment,

maintenance, transport, repair, import and export, liquidation and destruction of sport weapons;

- Governmental Decree No. 27/CP dated 20 April 1995 on the management, production, supply and employment of industrial explosives;

- Circular No. 11/TT-CNCN dated 13 March 1996 of the Ministry of Industry on the implementation of Governmental Decree No. 27/CP;

- Inter-Agency Circular No. 01/1998/TTLT-CN-NV dated 13 January 1998 of the Ministry of Industry and Ministry of Internal Affairs (presently Ministry of Public Security) on the management, trade and supply of industrial explosives;

- Circular No. 07/2000/TT-BCN dated 19 December 2000 of the Ministry of Industry on the procedures for granting permits to industrial explosive trading.

Apart from the above-mentioned legal instruments, Article 9 of the Ordinance on the Border Guard Forces provides that the border guard forces are tasked with carrying out, in coordination with other people's armed forces and state agencies concerned, the fight against smuggling and illegal trafficking of weapons, burning material, explosives, toxic, drugs, harmful cultural products and goods prohibited for export and import across the land borders, or via the islands and maritime areas by the law.

Besides, Article 21 of Governmental Decree No. 34/2000/ND-CP dated 18 August 2000 on the Regulations for Activities in the Border Areas of the Socialist Republic of Viet Nam strictly prohibits the smuggling, illegal trafficking of weapons, burning materials, explosives, toxic, drugs, harmful cultural products and goods prohibited for import and export across the borders.

IV. Sub-paragraph 2 (b) of Resolution 1373 (2001):

1. Regarding bodies in charge of counter-terrorism, among others, the Ministry of Public Security is the competent coordinator in counter-terrorism. Within the Ministry of Public Security, there are specialized agencies in charge of combating terrorism. The Ministry of Public Security also works in collaboration with other relevant agencies, such as the Ministry of Defense, the Public Procurators and the Courts... in this matter.

2. The mechanism to provide early warning to other countries on terrorist acts has been implemented within the framework of cooperation in INTERPOL and ASEANPOL, to which Viet Nam is a party. Viet Nam has also concluded international treaties (of different levels) on cooperation in preventing and suppressing crimes with other countries, such as China, Laos, Cambodia, Thailand, Myanmar, the Philippines, Cuba, France, Ukraine, the People's Democratic Republic of Korea, and is negotiating for the conclusion of such treaties with some other countries. Within the framework of these bilateral treaties, the contracting parties undertake to cooperate in the exchange and provision of information concerning criminal activities, and in their fight against crimes, including the crime of terrorism.

V. Sub-paragraph 2(c) of Resolution 1373 (2001):

Legislation that prohibits terrorists from residing and conducting activities in Viet Nam:

1. Ordinance on the Entry into, Departure out of and Residence in Viet Nam of Foreigners, adopted on April 28, 2000, provides that:

"*Article 1.*

1. The State of the Socialist Republic of Viet Nam creates favourable conditions for the entry into, departure out

of, or transit via Viet Nam by foreigners; protects the life, properties, and legal rights and interests of foreigners residing in Viet Nam under Viet Nam's law and international treaties to which the Socialist Republic of Viet Nam is a party.

2. Foreigners, who enter into, depart from, transit via or reside in Viet Nam shall observe Viet Nam's law and respect the traditions, customs and practices of the Vietnamese people. They are strictly prohibited to abuse their entry into, departure from, transit via, or residence in Viet Nam for the violation of the law.

3. In case the international treaties to which the Socialist Republic of Viet Nam is a party have provisions on the entry into, departure from, transit via, or residence in Viet Nam by foreigners different from the provisions of this Ordinance, the provisions of the international treaties shall prevail."

"Article 8.

1. The Vietnamese competent state authorities shall not allow foreigners to enter Viet Nam in one of the following cases:

....

d) The foreigners had severely violated Viet Nam's law in their previous entry;

đ) For the reason of national security, or other special reasons as decided by the Minister of Public Security.

2. The Minister of Public Security shall consider and decide whether the foreigners falling within the cases mentioned in paragraph 1 of this article could enter Viet Nam."

2. Foreigners, who are given sentence by the courts for having committed an offence, including an act of terrorism, may be expelled from Viet Nam in accordance with the provisions of Article 32 of the 1999 Penal Code.

VI. Sub-paragraph 2 (e) of Resolution 1373 (2001):

1. Article 84 on Terrorism of the Penal Code is provided in sub-paragraph 2(a) above of this Report.

2. The courts of Viet Nam shall have jurisdiction over:

- An act committed outside Viet Nam by a person who is a national of, or habitually resident in Viet Nam (whether that person is currently present in Viet Nam or not):

According to paragraph 2 of Article 2 of the 1988 Criminal Procedure Code (revised) of the Socialist Republic of Vietnam, if an alleged offender is prosecuted in Viet Nam for an offence committed abroad, the provincial people's court at the offender's latest residence in Viet Nam will be entitled to commit the offender for trial. If it is not possible to define his latest residing place, depending on each case, the Chairperson of the People's Supreme Court will decide to confer the case to either the People's Court of the City of Hanoi or that of the Ho Chi Minh City for trial. If the alleged offender falls within the jurisdiction of a military court, a military court of the military-zone level or that of upward level shall have jurisdiction over the case, as decided by the Chairperson of the Central Military Court.

- An act committed outside Viet Nam by a foreign national who currently resides in Viet Nam:

According to paragraph 2 of Article 6 of the 1999 Penal Code, foreigners who commit offenses outside the territory of the Socialist Republic of Viet Nam may be subject to penal liability under the Penal Code of Viet Nam in the circumstances provided for in the international treaties to which Viet Nam is a party.

VII. Sub-paragraph 2 (f) of Resolution 1373 (2001)

1. Bilateral treaties on mutual assistance in criminal matters to which Viet Nam is a party:

- Agreement on mutual judicial and legal assistance in civil, family and criminal matters between the Socialist Republic of Viet Nam and the Union of the Soviet Socialist Republics, signed on 10 December 1981;

- Agreement on mutual judicial and legal assistance in civil and criminal matters between the Socialist Republic of Viet Nam and the Socialist Republic of Czechoslovakia, signed on 12 October 1982;

- Agreement on mutual judicial assistance in civil, family and criminal matters between the Socialist Republic of Viet Nam and the People's Republic of Hungary, signed on 18 January 1985;

- Agreement on mutual judicial assistance in civil, family and criminal matters between the Socialist Republic of Viet Nam and the People's Republic of Bulgaria, signed on 3 October 1986;

- Agreement on mutual judicial assistance in civil, family and criminal matters between the Socialist Republic of Viet Nam and the Republic of Poland, signed on 22 March 1993;

- Agreement on mutual judicial assistance in civil and criminal matters between the Socialist Republic of Viet Nam and the People's Democratic Republic of Laos, signed on 6 July 1998;

- Agreement on mutual judicial and legal assistance in civil and criminal matters between the Socialist Republic of Viet Nam and the Russian Federation, signed on 25 August 1998;

- Agreement on mutual judicial assistance in civil and criminal matters between the Socialist Republic of Viet Nam and the People's Republic of China, signed on 19 October 1998;

- Agreement on mutual judicial and legal assistance in civil and criminal matters between the Socialist Republic of Viet Nam and Ukraine, signed on 6 April 2000;

- Agreement on mutual judicial assistance in civil, family and criminal matters between the Socialist Republic of Viet Nam and Mongolia, signed on 17 April 2000;

- Agreement on mutual judicial and legal assistance in civil, family, labour and criminal matters between the Socialist Republic of Viet Nam and the Republic of Belarus, signed on 14 September 2000.

2. The legal timeframe within which a request for judicial assistance in criminal investigations or criminal proceedings must be met :

At present, Viet Nam has not adopted specific provisions on such timeframe. The legal and judicial assistance is implemented in accordance with the agreements concluded by Viet Nam. The requests for judicial assistance in criminal investigations are normally responded by Viet Nam relevant agencies in a speedy, adequate and effective manner, and in accordance with the treaties to which Viet Nam is a party.

VIII. Sub-paragraph 2 (g) of Resolution 1373 (2001)

1. The mechanism for inter-agency co-ordination between the authorities responsible for narcotics control, finance and security, in particular with regard to border control:

Between the competent authorities in charge of border control and prevention from illegal border crossings (the Ministry of Defense and the Ministry of Public Security), there exists close and unified coordination, under the leadership of the Government and the management of the local administration; the two above-mentioned Ministries are responsible for providing advice, carrying out activities to ensure border security, directing their subordinate forces to cooperate in actions.

2. Under her law, Viet Nam has done every efforts to control its entire borderline against illegal border crossings. Accordingly, any attempt to illegally cross the border will be dealt by the law on the basis of its extent, motive and negative effects. Viet Nam's law also provides that safeguarding the border is the task of the entire people and army of Viet Nam and directly carried out by the local administrations and the people in the border areas, among whom the border guards is the core forces. Border safeguarding is realized by measures of ensuring the state management of the border and mobilizing the participation and contribution of the forces and the people in the border areas.

IX. Sub-paragraph 3 (c) of Resolution 1373 (2001)

Up to now, the legal basis for extradition of criminals in Viet Nam is international treaties concluded between Viet Nam and other parties concerned. Presently, Viet Nam has not concluded any bilateral agreement particularly on extradition. However extradition has been included in relevant treaties concluded between Viet Nam and some other countries (namely Poland, Laos, Russia, Ukraine, Belarus, Mongolia...) and in the multilateral treaties on counter-terrorism to which Viet Nam is a party.

Moreover, Viet Nam in fact has carried out extradition in some cases on which the two parties concerned had reached certain arrangement.

In the coming time, it is possible that Viet Nam will consider the adopting separate legal instruments on extradition, and prepare necessary conditions to conduct negotiations with the States that wish to conclude bilateral agreement on extradition with Viet Nam.

X. Sub-paragraph 3 (d) of Resolution 1373 (2001)

1. Up to now, Viet Nam has become a party to the following eight international conventions and protocols relating to terrorism:

- Convention on Offences and Certain Other Acts Committed on Board Aircraft, done in Tokyo on 14 September 1963. The Convention entered into force for Viet Nam on 8 January 1980;

- Convention for the Suppression of Unlawful Seizure of Aircraft, done in The Hague on 16 December 1970. The Convention entered into force for Viet Nam on 8 January 1980;

- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, adopted in Montreal on 23 September 1971. The Convention entered into force for Viet Nam on 8 January 1980;

- Protocol for the Suppression of Unlawful Acts of Violence at airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, which was done in Montreal on 24 February 1988. The Protocol entered into force for Viet Nam on 24 September 1999;

- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons including Diplomatic

Agents, concluded in New York on 14 December 1973. The Convention entered into force for Viet Nam on 1 June 2002;

- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done in Rome on 10 March 1988. The Convention entered into force for Viet Nam on 10 October 2002;

- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, concluded in Rome on 10 March 1988. The Protocol entered into force for Viet Nam on 10 October 2002;

- International Convention for the Suppression of the Financing of Terrorism, adopted by the United Nations General Assembly in New York on 19 December 1999. The Convention entered into force for Viet Nam on 25 October 2002.

2. In addition, Viet Nam is considering the possibility of acceding to other international conventions relating to terrorism, such as:

- International Convention against the Taking of Hostages, adopted by the UN General Assembly in New York on 17 December 1979;

- Convention on the Physical Protection of Nuclear Material, done in Vienna on 26 October 1979;

- Convention on the Marking of Plastic Explosives for the Purpose of Detection, adopted in Montreal on 1 March 1991;

- International Convention for the Suppression of Terrorist Bombings, adopted by the UN General Assembly in New York on 15 December 1997.

3. According to the Draft Strategy for Development of the Vietnamese Legal System up to the Year 2010, which is being finalized by the Ministry of Justice in cooperation with other concerned ministries, the 1999 Penal Code will be revised to include Viet Nam's rights and obligations relating to counter-terrorism under the international treaties to which Viet Nam is a party.

XI. Sub-paragraph 3 (e) of Resolution 1373 (2001)

Regarding the inclusion of the offences set forth in the relevant international conventions and protocols into the list of offences as extraditable in the bilateral treaties to which Viet Nam is a party:

In accordance with the bilateral agreements between Viet Nam and other States (as mentioned above) on mutual legal and judicial assistance in criminal matters, all criminal offenders are extraditable, except offenders of some particular crimes, which are punishable by death penalty under one contracting party's law while not punishable likewise under the other party's law.

XII. Sub-paragraph 3 (f) of Resolution 1373 (2001)

Regarding provisions, procedures and mechanism available for ensuring that refugee status is not granted to asylum seekers who have been involved in terrorist activity, at present, Viet Nam has not adopted any separate legal instrument on refugees.

XIII. Sub-paragraph 3 (g) of Resolution 1373 (2001)

Viet Nam has not adopted any particular provision on refusals of extradition requests of terrorist suspects for political reasons. As mentioned in Section IX of this Report, extradition is carried out in accordance with the provisions of agreements to which Viet Nam is a party.

XIV. Paragraph 4 of Resolution 1373 (2001) relating to measures against transnational crimes

On the national level, Viet Nam adopted the National Programme for the Prevention and Suppression of Crimes in 1998 (Programme 138). In particular, this Programme includes Plan No. 3 relating to the prevention and suppression of organized crimes, dangerous crimes and transnational crimes, with great emphasis on the prevention and suppression of transnational crimes, such as smuggling, money laundering, piracy, terrorism, etc. The implementation of this Programme in the last few years has recorded positive results.

On the regional and sub-regional levels, Viet Nam has actively participated in the activities aimed at suppressing and preventing transnational crimes within the framework of the ASEAN Ministerial Meeting on Transnational Crimes (AMMTC). In August 2001, Viet Nam organized a Conference of ASEAN high-level experts on the United Nations Convention on Transnational Organized Crimes and its related Protocols. The Conference contributed to heightening the awareness of the ASEAN experts about the threats caused by transnational organized crimes to the economic development, stability and security of individual State and the whole region, and about the need for intensified cooperation between and among the ASEAN countries in fighting and preventing this dangerous form of crimes in a more effective manner.

In August 2002, Viet Nam and other ASEAN countries issued the ASEAN - United States Joint Declaration on Counter-Terrorism Cooperation. Most recently, during the 8th ASEAN Summit in Phnom Penh (Cambodia) in November 2002, ASEAN also adopted the second Declaration on Terrorism. On the occasion of this Summit, the ASEAN and China signed a Joint Declaration on Cooperation in the Field of Non-traditional Security Issues. These Declarations reaffirm the determination of the ASEAN countries, including Viet Nam, to cooperate with other

countries and the international community as a whole, in the fight against terrorism, and for the establishment of the frameworks for cooperation and strengthening the effectiveness of anti-terrorism efforts of each State and the whole region.

Viet Nam is considering the possibility of acceding to the Agreement on Information Exchange and Establishment of Communication Procedures between Indonesia, Malaysia and the Philippines, signed on 7 May 2002 to combat transnational organized crimes, in particular terrorism.

On the international level, Viet Nam has been a party to three United Nations conventions on control of narcotic drugs and psychotropic substances. In December 2000, Viet Nam signed the United Nations Convention against Transnational Organized Crimes and is now considering ratifying the Convention. In addition, Viet Nam has concluded many bilateral agreements on cooperation in preventing and fighting crimes with other countries.

C. CONCLUSION

Viet Nam is deeply aware of the potential threats and severe consequences caused by terrorist acts to different aspects of life in all States. Viet Nam holds that to prevent and suppress international terrorism, states need to strengthen cooperation in a close and comprehensive manner through bilateral, regional and multilateral cooperation, as well as through international organizations. Viet Nam strongly supports the international community's efforts against terrorism, on the basis of compliance with the United Nations Charter, the fundamental principles of international law, and in the interests of world peace, stability and security.

In that spirit, besides steadily consolidating and developing the national legal system aimed at preventing and suppressing terrorism, Viet Nam is actively cooperating with the international community to combat this very dangerous crime by strictly implementing its international commitments in this regard. Viet Nam is also ready to further cooperate with other countries and international organizations in the region and the world over in combating international terrorism in accordance with the above-mentioned principles. This Supplementary Report manifests the determination of the Vietnamese national agencies in implementing the UN Security Council's Resolution 1373 (2001). Viet Nam will always cooperate with the United Nations in this matter./.